

## TRANSPORTATION DEPARTMENT[761]

### Notice of Intended Action

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code sections 307.10, 307.12 and 321.178A, the Iowa Department of Transportation hereby gives Notice of Intended Action to amend Chapter 604, "License Examination," and Chapter 634, "Driver Education," Iowa Administrative Code.

Item 1 proposes to eliminate outdated language that no longer conforms to practice by eliminating language that provides for the random administration of driving tests according to applicants' birth dates.

Item 2 proposes to update the implementation sentence for Chapter 604 to include reference to Iowa Code section 321.178A.

Item 3 proposes to reserve two rules within Chapter 634.

Item 4 proposes to add new rule 761—634.11(321) to implement Iowa Code section 321.178A by establishing the procedure by which a teaching parent, as defined in Iowa Code section 321.178A, may obtain approval from the Department to instruct a student in an approved course of driver's education and the procedure by which the teaching parent may obtain a certificate of completion of driver's education on behalf of the student upon the student's successful completion of the approved course of instruction.

Item 4 also proposes to establish the procedure by which third-party vendors may obtain approval to offer a proposed course of instruction to teaching parents. As required by Iowa Code section 321.178A, Item 4 provides that approved courses shall be posted on the Department's Internet site and that a teaching parent may only instruct a student using an approved course selected from the list posted on the Department's Internet site.

As required by Iowa Code section 321.178A, Items 1 and 4 require a student who has completed parent-taught driver's education to successfully complete a driving test before being approved to obtain an intermediate license.

Item 5 proposes to update the implementation sentence for Chapter 634 to include reference to Iowa Code section 321.178A.

Item 6 proposes an appendix to new rule 761—634.11(321) that sets forth the course content requirements.

These rules do not provide for waivers. Any person who believes that the person's circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

Any person or agency may submit written comments concerning these proposed amendments or may submit a written request to make an oral presentation. The comments or request shall:

1. Include the name, address, and telephone number of the person or agency authoring the comments or request.
2. Reference the number and title of the proposed rule, as given in this Notice, that is the subject of the comments or request.
3. Indicate the general content of a requested oral presentation.
4. Be addressed to Tracy George, Rules Administrator, Iowa Department of Transportation, Office of Policy and Legislative Services, 800 Lincoln Way, Ames, Iowa 50010; Internet e-mail address: [tracy.george@dot.iowa.gov](mailto:tracy.george@dot.iowa.gov).
5. Be received by the Office of Policy and Legislative Services no later than July 29, 2014.

A meeting to hear requested oral presentations is scheduled for Friday, August 1, 2014, at 10 a.m. at the Iowa Department of Transportation's Motor Vehicle Division offices located at 6310 SE Convenience Boulevard, Ankeny, Iowa.

The meeting will be canceled without further notice if no oral presentation is requested.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 321.178A.

The following amendments are proposed.

ITEM 1. Amend paragraph **604.31(2)“a”** as follows:

a. The applicant is applying for the applicant's first Iowa driver's license that permits unaccompanied driving following successful completion of the appropriate Iowa-approved course or courses. The appropriate Iowa-approved courses are the following: driver education, other than driver education by a teaching parent under rule 761—634.11(321), for a Class C driver's license other than motorized bicycle;<sub>2</sub> driver education and motorcycle rider education for a Class M driver's license or motorcycle endorsement;<sub>2</sub> and motorized bicycle education for a motorized bicycle license. However;<sub>2</sub>

~~(1) The department may select dates and require a driving test of applicants whose birth dates fall on the selected dates. The department shall notify the Iowa department of education quarterly of the dates selected.~~

~~(2) If~~ if an applicant is under the age of 18, a driving test is required if so requested by the applicant's parent, guardian, or instructor.

ITEM 2. Amend rule **761—604.31(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.174, 321.178, 321.178A, 321.180, 321.180A, 321.180B, 321.186, 321.189, 321.193, 321.196 and 321.198.

ITEM 3. Reserve rules **761—634.9** and **761—634.10**.

ITEM 4. Adopt the following new rule 761—634.11(321):

**761—634.11(321) Driver education—teaching parent.** As an alternative to a driver education course offered by a course provider approved under rule 761—634.4(321), a teaching parent may instruct a student in an approved course of driver education.

**634.11(1) Definitions.** As used in this rule:

*“Approved course”* means a driver education curriculum approved by the department that meets the requirements of Iowa Code section 321.178A and is appropriate for teaching-parent-directed driver education and related street or highway driving instruction.

*“Clear driving record”* means the individual currently and during the prior two-year period has not been identified as a candidate for suspension or revocation of a driver's license under the habitual offender or habitual violator provisions of rule 761—615.9(321) or rule 761—615.13(321); is not subject to a driver's license suspension, revocation, denial, cancellation, disqualification, or bar; and has no record of a conviction for a moving traffic violation determined to be the cause of a motor vehicle accident.

*“Course vendor”* means a third-party vendor that makes available commercially an approved course.

*“Student”* means a person between the ages of 14 and 21 years who is within the custody and control of the teaching parent and who holds a valid Iowa noncommercial instruction permit.

*“Teaching parent”* means the same as defined in Iowa Code section 321.178A.

**634.11(2) Application to serve as a teaching parent.**

a. A person who wishes to provide driver education as a teaching parent to a student shall submit an application on a form provided by the department to the office of driver services at the address indicated on the form.

b. The department shall review the application and shall deny the application for any of the following reasons:

(1) The person does not meet the qualifications to serve as a teaching parent set forth in Iowa Code section 321.178A.

(2) The person does not have a clear driving record.

(3) The application does not properly identify a student eligible to be instructed in driver education by the person.

(4) The department has determined the application should be rejected for any reason listed in Iowa Code section 321.13.

c. If the application is denied, the department shall issue a letter of denial to the person explaining the reason or reasons for the denial.

d. If the application is approved, the department shall issue a letter of approval to the person to serve as a teaching parent for the student identified in the application.

**634.11(3) *Instruction by a teaching parent.***

a. A person approved to serve as a teaching parent shall instruct the student using an approved course.

b. The teaching parent shall select the course to be used from the list of approved courses posted on the department's Internet site and shall purchase the course directly from the applicable course vendor.

c. No person shall provide driver education as a teaching parent until approved by the department, and the department shall not recognize driver education that was:

- (1) Provided by a person before the person's approval as a teaching parent.
- (2) Provided by a person who has not been approved as a teaching parent.
- (3) Provided to a person who is not a student as defined in subrule 634.11(1).
- (4) Offered under a course other than an approved course.

**634.11(4) *Course completion—certificate of completion.***

a. Upon the student's completion of an approved course, the teaching parent shall apply for a certificate of completion on behalf of the student. The teaching parent shall provide evidence showing the student's completion of an approved course and substantial compliance with the requirements of Iowa Code section 321.178A, by affidavit signed by the teaching parent on a form provided by the department. The teaching parent shall include with the application all documentation, statements, certifications, and logs required by Iowa Code section 321.178A. The application and all required documentation, statements, certifications, and logs shall be submitted to the office of driver services at the address indicated on the form.

b. The department shall review the application and evidence submitted and shall deny certification of completion if:

- (1) The course was not conducted by a person approved by the department to serve as a teaching parent for the student for whom certification is sought.
- (2) The application does not properly identify a student eligible to be instructed in driver education by the teaching parent.
- (3) The application and evidence do not demonstrate the student's successful completion of an approved course.
- (4) The application and evidence do not include all documentation, statements, certifications, and logs required by Iowa Code section 321.178A in adequate and proper form and content.
- (5) The department has determined that the application should be rejected for any reason listed in Iowa Code section 321.13.

c. If the application is denied, the department shall issue a letter of denial to the teaching parent explaining the reason or reasons for the denial.

d. If the application is approved, the department shall issue a certificate of completion to the student identified in the application. A certification of completion issued by the department under this subrule shall constitute proof of successful completion of an Iowa-approved course in driver education but shall not be grounds for waiver of a driving test under 761—subrule 604.31(2).

**634.11(5) *Course approval.***

a. A vendor that wishes to offer a driver education curriculum as an approved course in Iowa shall submit an application on a form provided by the department to the office of driver services at the address indicated on the form, along with a copy of all proposed curriculum materials. A vendor that wishes to offer an electronic curriculum may provide a uniform resource locator (URL) for the proposed electronic materials but must also provide physical copies of the proposed materials.

b. To be designated as an approved course, the curriculum submitted must, at a minimum, meet the requirements of Iowa Code section 321.178A, be appropriate for teaching-parent-directed driver education and related street or highway instruction, and meet or exceed the required content set forth in the Appendix to this rule.

c. The department shall review the application and proposed curriculum and shall issue a letter of denial to the course vendor explaining the reason or reasons for denial if the proposed curriculum does not meet the requirements for an approved course.

d. If the proposed curriculum is approved, the department shall issue a certificate of approval to the vendor designating the curriculum as an approved course and shall list the approved course on the department's Internet site. Course approval will be issued for one calendar year or for the remainder of a calendar year. The approval expires on December 31 and must be renewed annually by the submission of an application on a form provided by the department and all required materials as set forth in this subrule at least 60 days prior to the expiration date. Notwithstanding this paragraph, a course approval issued before December 31, 2014, shall not expire until December 31, 2015.

ITEM 5. Amend **761—Chapter 634**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 321.178, 321.178A, 321.180B and 321.194.

ITEM 6. Adopt the following new appendix in **761—Chapter 634**:

#### Appendix to Rule 761—634.11(321)

To be designated as an approved course, a curriculum must, at a minimum, meet the requirements of Iowa Code section 321.178A, be appropriate for teaching-parent-directed driver education and related street or highway instruction, and meet or exceed the required content listed below:

1. *Duration and required content.* The course must provide for both classroom and behind-the-wheel instruction. As used in this rule, "*classroom instruction*" means instruction provided by a teaching parent in a private setting using printed or electronic course materials, and "*behind-the-wheel instruction*" means street or highway driving instruction provided by a teaching parent in a motor vehicle operated by the student.
  - a. Classroom instruction shall consist of at least 30 clock hours of classroom instruction and shall include all of the following:
    - i. Four hours of instruction concerning substance abuse.
    - ii. A minimum of 20 minutes of instruction concerning railroad crossing safety.
    - iii. Instruction relating to becoming an organ donor under the revised uniform anatomical gift Act as provided in Iowa Code chapter 142C.
    - iv. Instruction providing awareness about sharing the road with bicycles and motorcycles.
  - b. Behind-the-wheel instruction shall consist of at least 40 hours of street or highway driving including 4 hours of driving after sunset and before sunrise while accompanied by the teaching parent.
2. *Required topics.* The course may follow any format the vendor determines, provided all of the following topics are properly and adequately covered, as detailed in the course application form provided by the department:
  - a. Traffic law – *classroom instruction*
    - i. Introduction to driver education and driving laws and privileges.
    - ii. Understanding your license to drive.
    - iii. Right-of-way.
    - iv. Traffic control devices.
    - v. Controlling traffic flow.
    - vi. Alcohol and other drugs.
    - vii. Cooperating with other roadway users.
  - b. Driver preparation – *classroom and behind-the-wheel instruction*
    - i. Pre-drive tasks.

- ii. Occupant protection.
- iii. Symbols and devices.
- iv. Starting tasks.
- v. Vehicle operation and control tasks.
- vi. Post-drive tasks.
- vii. In-car progress assessment.
- viii. Driving plan (*classroom instruction*).
- c. Vehicle movements – *classroom and behind-the-wheel instruction*
  - i. Visual attention, mental attention and communication.
  - ii. Reference points.
  - iii. Vehicle balance.
  - iv. Vehicle maneuvers.
  - v. In-car progress assessment (*behind-the-wheel instruction*).
- d. Driver readiness – *classroom and behind-the-wheel instruction*
  - i. Driving practices.
  - ii. Fatigue.
  - iii. Aggressive driving.
  - iv. In-car progress assessment (*behind-the-wheel instruction*).
- e. Risk reduction – *classroom and behind-the-wheel instruction*
  - i. Risk factors.
  - ii. Space management.
  - iii. In-car progress assessment (*behind-the-wheel instruction*).
- f. Environmental factors – *classroom and behind-the-wheel instruction*
  - i. Environmental characteristics.
  - ii. Environmental risk factors.
  - iii. In-car progress assessment (*behind-the-wheel instruction*).
- g. Distractions – *classroom and behind-the-wheel instruction*
  - i. Distractions.
  - ii. Multi-task performances.
  - iii. In-car progress assessment (*behind-the-wheel instruction*).
- h. Alcohol and other drugs – *classroom instruction*
  - i. Introduction of alcohol and other drug problems.
  - ii. Nature of alcohol-related crash problems.
  - iii. Physiological effects of alcohol.
  - iv. Psychological effects of alcohol.
  - v. Other drug effects on the driving task.
  - vi. Zero-tolerance in the driving environment.
- i. Vehicle movement and reference points – *behind-the-wheel instruction*
  - i. Vehicle movements and reference points (entering and exiting traffic and parking).
  - ii. In-car progress assessment (*behind-the-wheel instruction*).
- j. Adverse conditions – *classroom instruction*
  - i. Adverse weather and reduced visibility conditions.
  - ii. Traction loss.

- iii. Emergencies.
- k. Vehicle requirements – *classroom and behind-the-wheel instruction*
  - i. Vehicle malfunctions (*classroom instruction*).
  - ii. Vehicle maintenance (*classroom instruction*).
  - iii. Trip planning (*classroom instruction*).
  - iv. Adverse conditions and vehicle requirements – off-street simulated practice (*behind-the-wheel instruction*).
  - v. In-car progress assessments (*behind-the-wheel instruction*).
- l. Consumer responsibility – *classroom and behind-the-wheel instruction*
  - i. Vehicle use and ownership (*classroom instruction*).
  - ii. Vehicle insurance (*classroom instruction*).
  - iii. Environmental protection and litter prevention (*classroom instruction*).
  - iv. Anatomical gift Act – organ donor (*classroom instruction*).
  - v. Trip planning (*behind-the-wheel instruction*).
  - vi. In-car progress assessment (*behind-the-wheel instruction*).
- m. Personal responsibility (*classroom and behind-the-wheel instruction*).
  - i. Comprehensive classroom progress assessment (testing) (*classroom instruction*).
  - ii. Driver licensing (*classroom instruction*).
  - iii. In-car progress assessment (*behind-the-wheel instruction*).